

**Chairman Tom Davis
Government Reform Committee**

**Investigation into Rafael Palmeiro's March 17, 2005 Testimony at the Committee on
Government Reform's Hearing: "Restoring Faith in America's Pastime: Evaluating Major
League Baseball's Efforts to Eradicate Steroid Use"**

November 10, 2005

On March 17th, the Committee on Government Reform met in this room to hold a hearing into the use of steroids in Major League Baseball. Rafael Palmeiro was one of the witnesses who testified at this hearing. As part of his testimony, he said: "Let me start by telling you this: I have never used steroids. Period. I don't know how to say it any more clearly than that. Never."

On August 1st, Major League Baseball announced that Rafael Palmeiro had failed a drug test, which found steroids in his system. He was then suspended for 10 days, as provided in the league's drug policy.

After the suspension was revealed, Henry Waxman, the Ranking Member of the Government Reform Committee, and myself, announced that the Committee would investigate Mr. Palmeiro's testimony before this Committee, in relation to his subsequent positive test for steroids.

Every witness who testifies before our Committee takes an oath to tell "the truth, the whole truth, and nothing but the truth." If we have reason to question whether someone violated that oath, we have a responsibility – an *obligation* – to investigate. That's what we have done.

This investigation included reviewing all of Mr. Palmeiro's drug tests – the positive test and all prior tests -- along with the MLB arbitration proceedings held after his positive test. It included interviews with Mr. Palmeiro, his wife, several teammates past and present, and trainers and other clubhouse personnel. The Committee also sought expert medical opinions and had a substance provided by a player tested for steroids.

Our conclusion is as follows:

The Committee will *not* make a perjury referral to the Department of Justice.

A referral for perjury is a serious step that requires convincing evidence that perjury may have been committed. In this case, the evidence before the Committee does not meet this standard.

Let me just take a moment to emphasize the narrow focus of the Committee's inquiry. Our investigation was solely concerned with the issue of perjury. We did not attempt to re-adjudicate Mr. Palmeiro's suspension. In other words, we were not concerned with why he

tested positive, or how he tested positive – except for how those facts related to his testimony before our Committee on March 17.

As you will see in the report, over the course of the investigation, the Committee received evidence that was confusing and contradictory in many respects. After making the determination that the evidence did not meet the standard for a perjury referral, the Committee concluded its investigation and did not make further determinations about the accuracy or inaccuracy of assertions by Mr. Palmeiro or others.

The report goes into detail about our investigation. But let me highlight a few important findings:

Mr. Palmeiro's sample that tested positive for stanozolol was collected on May 3, 2005. Based on the detection windows for this steroid, which are as long as three to four weeks, the Committee is unable to conclude that Mr. Palmeiro took — either purposefully or inadvertently — the substance that resulted in his positive test result before the March 17, 2005 hearing.

During his interview with the Committee, Mr. Palmeiro stated that his best guess as to what caused his positive steroid test was his use of liquid B-12, given to him by teammate Miguel Tejada. However, the Committee obtained no evidence indicating that B-12 has ever been inadvertently contaminated with steroids. Two bottles of B-12 were provided to Major League Baseball by Mr. Tejada; neither was contaminated with any performance-enhancing drugs. Tejada was tested twice during the 2005 season and both of his tests came back negative as well.

The Committee interviewed two other current Baltimore Orioles who were also given B-12 by Tejada, either during the 2005 or 2004 season. Both of these players were tested for steroids during the 2005 season; neither tested positive. These players are referred to in the report as Player A and Player B, to protect their identities.

During the Committee's interview of one of these players, he stated he had a remaining vial of B-12 that had been provided to him by Mr. Tejada in May of 2005. This player gave to the Committee the remainder of the vial of B-12. This bottle was tested, and also contained no stanozolol.

A final note: During our investigation, the Committee did find substantial inconsistencies between Mr. Tejada's account and the accounts of Players A and B. While these inconsistencies were curious to us, we did not pursue them further because this was not a material part of the investigation.